

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

IN RE: REVITY ENERGY LLC’S REQUEST FOR INTERPRETATION OF SECTION 5.3 OF R.I.P.U.C. NO. 2244 AND R.I. GEN. LAWS § 39-26.3-4.1 REGARDING THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID’S AUTHORITY (IF ANY) TO ALLOCATE, IMPOSE, AND COLLECT COSTS FOR THIRD-PARTY DEVELOPER SELF-PERFORMED INTERCONNECTION WORK	Docket No. 5235
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AGREED FACTS

Revity Energy LLC, the Narragansett Electric Company d/b/a National Grid, and Green Development LLC, by and through undersigned counsel, hereby submit these Agreed Facts in the above-referenced docket.

1. Revity Energy LLC (“Revity”) is a Rhode Island foreign limited liability company and is in the business of utility-scale photovoltaic solar energy system (PSES) development.
2. Narragansett Electric Company d/b/a National Grid (“Narragansett”) is an electric distribution company as defined in R.I. Gen. Laws §§ 39-1-2(12) and 39-30-2.
3. Green Development, LLC (“Green”) is a Rhode Island domestic limited liability company and is in the business of utility-scale PSES development.
4. Energy Development Partners, LLC (“EDP”) is a Rhode Island domestic limited liability company and is in the business of utility-scale PSES development.
5. Narragansett has been implementing “self-performance” or “self-build” for civil work (underground duct bank and manhole systems) required for distributed generation projects for the past five years. Narragansett has allowed Interconnecting Customers to self-perform limited civil work for subsequent donation to Narragansett, such as duct bank construction, on the Company’s distribution system to alleviate construction resource constraints, and in recognition

that certain Interconnecting Customers or their contractors have adequate expertise to complete civil work and may be able to do so at reduced costs and on a faster timeline compared to the Company. Self-performance of civil work is permitted under Section 2.0 of the Interconnection Tariff.

6. More specifically, Narragansett has permitted self-performance of interconnection civil work on five projects: (1) Green's Nooseneck Hill Road project in West Greenwich (Case No. 27825278); (2) Green's Coventry Wind project in Coventry (Case No. 176434); (3) Green's Ten Rod Road projects in Exeter (Case Nos. 178177, 178178, 178197, 178206, 178207, 178208, 178209, 178210 & 178211); (4) Green's Iron Mine project in North Smithfield (Case Nos. 186401, 186403, 186406 & 186409); and (5) Revity's Lippitt Avenue project in Cranston (Case Nos. 177298 & 177300).

7. Green's Nooseneck Hill Road project in West Greenwich is the only project involving self-performed civil work wherein Narragansett has actively participated in cost-sharing between interconnecting developers. Prior to the Nooseneck Hill Road project, Narragansett had never participated in cost-sharing (including the collection of costs) between interconnecting developers.

8. On Revity's Lippitt Avenue project in Cranston (Case Nos. 177298 & 177300), Narragansett informed Revity of its position to not facilitate cost sharing of civil work associated with the project and subsequent interconnecting customers. Narragansett has now taken the position, in this declaratory action, that it is willing to discuss compensating Revity for the pro rata share of the duct bank costs attributable to the Lippitt Avenue project in Cranston.

9. Since at least 2018, Narragansett's policy for transfer of Customer self-performed work is that upon completion of the self-performed work and once accepted by Narragansett, the

facilities involved become the property of Narragansett and Narragansett becomes the exclusive owner and operator of the donated facilities. As such, Narragansett has the same right and obligation to use the donated facilities to serve other customers as it would for any other Narragansett-owned property.

10. On or around December 18, 2018, EDP submitted its interconnection application for its project on Weaver Hill Road in West Greenwich with an aggregate capacity of approximately 10.0 MW. EDP's Weaver Hill Road project entered Narragansett's interconnection queue on May 10, 2019.

11. On or around January 28, 2019, Green submitted its interconnection applications for its Nooseneck Hill projects in West Greenwich with an aggregate capacity of approximately 20.0 MW. Green's Nooseneck Hill projects entered Narragansett's interconnection queue on February 12, 2019.

12. On or around September 25, 2019, Revity submitted interconnection applications for seven projects with an aggregate capacity of approximately 40.7 MW, which projects are located in close proximity to each other at 18 Weaver Hill Road in West Greenwich, Rhode Island (the "Weaver Hill Projects"). Revity's Weaver Hill Projects entered Narragansett's interconnection queue on October 18, 2019.

13. The Weaver Hill Projects are proposed to interconnect to Narragansett's electric distribution system ("EDS") via the Kent County Substation (34.5 kV distribution feeders 3309 and 3310).

14. On February 13, 2020, Narragansett gave Green a draft system impact study for the interconnection of the projects which included installation of a 28,000-foot long underground of

4- and 6-way duct bank (the “Third Party Duct Bank”) from Hopkins Hill Road in West Greenwich to Green’s projects on Nooseneck Hill Road.

15. Green and Narragansett represent that Green’s projects were included in the Affected System Operator (“ASO”) #1 study queue and received ASO approval in July 2020.

16. Green and Narragansett represent that, on May 18, 2020, Green requested and was granted permission by Narragansett to self-perform the civil work for the Third Party Duct Bank. The Final Impact Study for Green’s Nooseneck Hill projects includes reference to Narragansett’s agreement for Green to construct the Third Party Duct Bank.

17. Green and Narragansett represent that, during a meeting on June 3, 2020, Narragansett informed Green that Narragansett would facilitate cost-sharing for Green’s self-performed interconnection work as well as for the increase in cable size from 500kcmil to 1000kcmil for the EDP and Revity projects on Weaver Hill Road.

18. Narragansett did not consult with Revity or EDP before its decision to allow Green to construct the duct bank or on its proposed design. However, Narragansett was aware of the Revity and EDP projects and, during the fourth quarter of 2020 or first quarter of 2021, Narragansett informed Revity and EDP of Narragansett’s intent to facilitate cost sharing among Green, EDP and Revity of the costs incurred to construct the Third Party Duct Bank.

19. The aggregate nameplate capacity for all of the Green, Revity and EDP projects is 70.7 MW, with the following split: the Green projects constitute 20 MW (28.3%); the Revity projects constitute 40.7 MW (57.6%), and the EDP projects constitute 10 MW (14.1%).

20. Green and Narragansett executed Interconnection Service Agreements (“ISAs”) for Green’s Nooseneck Hill Road projects on July 22, 2020.

21. Green's projects received a final Distribution System Impact study from Narragansett on June 29, 2020, which estimated the total cost (for cable procurement and installation labor costs, including tax) of extending the 3310 feeder 34,100 feet at approximately \$4.2 million.

22. On September 3, 2020, Narragansett provided Green with a civil engineering and design specification for Green to self-perform the design and construction for the Third Party Duct Bank. The specification estimated the Third Party Duct Bank to be approximately 28,000 linear feet and contained design accommodations including conduit sections of 2-way, 4-way, and 9-way duct sizes for interconnection of the Green, Revity and EDP projects as well as future expansion of Narragansett's distribution system.

23. Green's projects are located furthest from the point of interconnection with Narragansett's distribution system and Green agreed to construct the entire length of the Third Party Duct Bank, including the common portion that would be utilized by the projects proposed by Green, EDP and Revity, on the condition of a commitment to implement cost sharing.

24. Green's draft Distribution System Impact Study also estimated the civil duct bank to be approximately \$16,000,000 for 35,000 feet, if Narragansett were to perform the work. Green's duct bank path is reflected in Div. 1-12 of Narragansett's April 19, 2022 Responses to the First Set of Data Requests issued by the Division of Public Utilities and Carriers in this matter.

25. Revity's Weaver Hill Projects were placed in the ASO #2 queue and received ASO approval in February 2021.

26. EDP's Weaver Hill Project was also placed in the ASO #2 queue and received ASO approval in March 2021.

27. Reivity and Narragansett represent that Reivity's final Distribution System Impact Study estimated the civil duct bank work to be approximately \$16,000,000 of total costs (including Third Party Duct Bank costs) for 15,600 feet, if Narragansett were to perform the work. Reivity's duct bank path is reflected in Div. 1-12 of Narragansett's April 19, 2022 Responses to the First Set of Data Requests issued by the Division of Public Utilities and Carriers in this matter.

28. The duct bank work being constructed by Green will span a total length of 28,169 feet, of which 14,602 feet (51.8%) is common-path facilities that are required for the Green, Reivity and EDP projects, 89 feet (0.3%) is required solely for the Reivity projects, and 13,478 feet (47.9%) is required solely for the benefit of the Green projects.

29. Narragansett and Reivity represent that, in the fourth quarter of 2020 or the first quarter of 2021, Narragansett informed Reivity that it had elected to change its position during the progression of the distribution system impact study regarding self-performed interconnection work and would be collecting the pro rata share of that work through Reivity's Interconnection Service Agreements.

30. Narragansett and Green represent as follows: On July 16, 2021, Narragansett approved the civil design and construction package for the Third Party Duct Bank by Green and authorized construction. The final approved design included a total Third Party Duct Bank linear length of 29,843 feet and included 6 three-way manholes and 41 two-way manholes. The Third Party Duct Bank is designed and built to accommodate runs of differing capacity including 9-way, 6-way, 4-way, and 2-way duct bank. The capacity of the piping drives the total linear feet and the real cost of construction (e.g., 9-way duct bank is more expensive than 4-way which is more expensive than 2-way). Green's project would only require a 2-way duct bank. The addition of the Reivity and EDP projects require great capacity duct bank.

31. On October 1, 2021, Revity transmitted correspondence to Green inviting a discussion regarding Green's estimated costs of the civil interconnection work for the West Greenwich projects, and to share bid proposals from qualified duct bank installation contractors.

32. Following the October 1 correspondence, Green made repeated requests to Narragansett for a cost-sharing mechanism and, on October 20, Narragansett committed that cost-sharing would apply and that the pro-rata share of costs allocated to Green would be 28.3%.

33. On November 4, 2021, Revity transmitted correspondence to Narragansett expressing its position that "[n]either the Interconnection Tariff nor state law provides National Grid any authority to collect or distribute pro rata cost-sharing contributions where a private developer voluntarily elects to perform the civil interconnection work for its own benefit."

34. Throughout 2021, Revity objected to Narragansett's ability to cost-share for the Weaver Hill common path interconnection work.

35. Narragansett and Green represent that, throughout 2021, Green made payment to Narragansett in the amount of \$1,956,428 for long lead times which would include Green's portion of the 1000kcmil cable required for interconnection.

36. On December 21, 2021, Narragansett filed the FY 2023 Electric Infrastructure, Safety, and Reliability (ISR) Plan. In it, Narragansett identifies required upgrades in the Central RI West Area to extend portions of the 35kV system and install a new substation at Weaver Hill Road to relieve existing distribution circuit concerns on the 54F1 and 63F6.

37. Green commenced the common duct bank work in September 2021 and predicted completion of the work by the end of April 2022.

38. On January 18, 2022 Green provided Narragansett with a cost estimate of \$14,231,676 with itemized backup for the duct bank work constructed to date and estimated to completion by Green.

39. Narragansett and Reivity represent that, on or around February 1, 2022, Narragansett sent Reivity revised draft ISAs for its Weaver Hill Road projects. The latest draft ISAs identify Reivity's common duct bank cost responsibility for its 40,700 kW Weaver Hill Road projects at a total of \$5,680,068, which is based on the approximately 51.8 percent common path of the duct bank, and Reivity's pro rata megawatt share of 67 percent of the common path.

40. On February 18, 2022, Reivity petitioned the Public Utilities Commission for declaratory judgment.

41. On February 22, 2022, Green provided Narragansett with a revised cost estimate of 14,690,427.03, with itemized backup for Green's work constructed and estimated to completion of the Third Party Duct Bank.

42. On February 25, 2022, Reivity made a payment in the amount of \$806,400 to Narragansett to secure the order for the larger 1000kcmil cable that would be required for the interconnection of the Green, Reivity and EDP projects combined.

43. On April 12, 2022, Green provided Narragansett with a further revised cost estimate of \$14,926,045.16 with itemized backup for the work constructed to date and estimated to completion of the Third Party Duct Bank.

44. Reivity will also be responsible for self-performing civil work associated with an additional portion of duct banks that will only benefit its Weaver Hill Road projects at this time.

REVITY ENERGY LLC

/s/ Nicholas L. Nybo

Nicholas L. Nybo (#9038)

Senior Legal Counsel

REVITY ENERGY LLC AND AFFILIATES

117 Metro Center Blvd., Suite 1007

Warwick, RI 02886

Tel: (508) 269-6433

nick@revityenergy.com

/s/ Mark C. Kalpin

Mark C. Kalpin (*pro hac vice*)

HOLLAND & KNIGHT LLP

10 Saint James Avenue, 11th Floor

Boston, MA 02116

Tel: (617) 305-2076

mark.kalpin@hklaw.com

/s/ Todd J. Griset

Todd J. Griset (*pro hac vice*)

PRETI FLAHERTY BELIVEAU & PACHIOS LLP

45 Memorial Circle, PO Box 1058

Augusta, ME 04330

Tel: (207) 791-3280

tgriset@preti.com

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

/s/ John K. Habib

John K. Habib

Keegan Werlin LLP

99 High Street, Suite 2900

Boston, Massachusetts 02110

(617) 951-1400

GREEN DEVELOPMENT LLC

/s/ Seth H. Handy

HANDY LAW, LLC

Seth H. Handy

42 Weybosset Street

Providence, RI 02903

Tel. 401.626.4839

E-mail: seth@handylawllc.com

CERTIFICATE OF SERVICE

I, Nicholas L. Nybo, hereby certify that, on May 23, 2022, I sent a true copy of the document by electronic mail to the Rhode Island Public Utilities Commission and the persons listed on the RIPUC service list.

/s/ Nicholas L. Nybo

Nicholas L. Nybo (#9038)